



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2305538
Applicant Name: Richard Marshall
Address of Proposal: 8318 Renton Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a two-story, 5,066 sq. ft. building to expand existing child care center (Tiny Tots Development Center) located at 8314 Renton Avenue South. Parking to be provided through shared parking agreement with Unity Church of God in Christ located at 8302 Renton Av S.

The following approvals are required:

1. Administrative Conditional Use to allow expansion of an existing child care center in a Single Family 5000 (SF5000) zone
2. SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

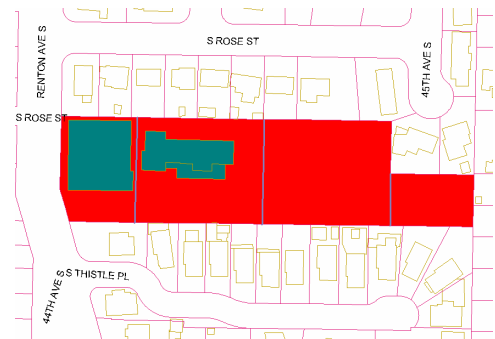
☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The entire project site is located on approximately 96,325 square feet. Tiny Tots shares the institutional site with Unity Church of God in Christ, which includes four tax parcels. The existing church and child care center are addressed at 8302



Renton Avenue South. The zone is Single Family 5000 (SF5000) and the site is surrounded by single family residences. The Tiny Tots Development Center was founded in 1968, and was moved to the existing facility in the late 1970s. The existing Unity Church of God church building opened in 1995.

Proposal Description

Tiny Tots Development Center houses approximately sixty-four children in their existing facility, and another forty children are housed temporarily in the adjacent Unity Church of God in Christ.

Tiny Tots seeks to move the children being temporarily housed, into the proposed structure. Tiny Tots expects to slightly increase their staff by four and the number of children by twelve to eighteen. The new structure will also house administrative offices and a kitchen for the child care center. Tiny Tots Development Center expansion will include a proposed play area, basketball court and a “community” garden. Currently Tiny Tots is using Unity Church of God in Christ’s social hall space. The church intends to return the space back to its original usages for church social fellowship gatherings, including receptions, meetings and celebrations once the new facility is built.

Public Comment

The project received comments from one adjacent neighbor. Concerns raised include: the ability of drivers to see pedestrians when they exit the driveway, noise and litter from child care employees on their breaks, the current location of the dumpster and the noise that results when the dumpster is emptied early in the mornings, and school buses block the neighbor’s driveway. The project was noticed in the Department of Planning and Development Land Use Information Bulletin on January 15, 2004. The initial comment period was through January 28, 2004, which was extended by written request through February 11, 2004.

ANALYSIS: Administrative Conditional Use Permit to allow expansion of a child care center in an Single Family Zone

The Seattle Land Use Code (SMC 23.44.022A) provides that institutions such as child care centers may be permitted as conditional uses in single family zones. Sections 23.44.022D through M set forth criteria to be used to evaluate and/or condition the proposal. The applicable criteria are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016.

E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.

The character of the surrounding neighborhood is single family dwellings. No institutions beyond this campus exist within six hundred feet of the site.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

No demolition is proposed.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The proposal is for new construction.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

The proposed institutional expansion in the single family zone is not expected to generate significant increased noise and odors. None of the activities proposed as part of the typical, non-emergency use of the site will exceed the maximum permissible sound levels as established and modified in the SMC Chapter 25.08. The number of parking spaces will not increase, but some parking will be re-striped. The existing play area is located in the center of the site.

The proposal includes several new outdoor activity areas, which will likely generate noise, including a play area and nature path, a play-structure, a playhouse, a basketball area, tetherball, four-square area and a community garden. The greatest noise impact in the play area

is expected to be the basketball area. The basketball court and equipment will be comprised of materials to help dampen ball impact noises. The applicant shall provide acoustic fencing, meeting American Society for Testing Materials (STM-40) criteria, where sound attenuation is necessary in the newly developed areas. Similar play areas currently exist and are required by State licensing directives. The play areas will be used intermittently during the day. The center closes at 6:30 p.m., Monday through Friday. New trash and recycling storage will be screened in the parking area.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

The overall landscape design will buffer the facility from adjacent residences and help integrate the building into the single family residential neighborhood. The proposal includes benches, shade trees, shrubs and flowering plants. Stormwater runoff will be directed away from pedestrian and play areas, ground cover and impervious surfaces will help control erosion. The building has been designed to reduce the appearance of bulk with broken facades, and with single family height scale in mind.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

All exterior lighting will direct light downward to minimize light and glare on neighboring properties. The applicant has submitted a lighting plan to meet this requirement, as indicated in their September 3, 2004 plan submittal. This will be further mitigated over time as the on-site landscaping matures. Numerous lighting fixtures, including wall mounted lighting, will also be provided. Where appropriate, these shall also been downlit to address the issue of mitigation of off-site glare impacts. The parking lot is situated on a higher grade than the adjacent houses to the north and south. Existing trees line the south edge of the parking lot and provide screening from headlight impacts. Trees will be planted to screen the north edge of the parking lot.

K. Bulk and Siting

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing

development patterns on the block or blocks within which the institution is located are kept to a minimum.

The proposal is centrally located on the block, on the eastern edge of the site, and will not have an impact on development patterns on the block.

- b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures.*

The site's proportions are long and narrow; the street frontage is small relative to its size. The proposed structure is to be located midblock and distant from the street. The scale and materials are consistent with that of new single family development.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

Covered stairs for the proposed structure extend into a required 10-foot side yard on the north side of the eastern parcel. The supports for the roof structure extend 1'-4" into the 10-foot side yard and the eaves extend 3'-4". The stairs are for employees only and a landscape buffer will soften the transition between the structure and the adjacent property line. This design concentrates the children's outdoor activities to the south and east, away from the neighbors to the north. The bulk and scale of the structure is consistent with might be proposed for a new residence in the single family zone. The proposed projection into the institutional setback does not project into what would be a residential five-foot setback All these measures warrant a reduced setback.

3. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

Nothing is proposed above the height limit.

4. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the*

appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

The proposed structure includes façade modulation, roof line variation, landscaping and variation in fenestration to minimize the appearance of bulk. No further mitigation is required.

L. Parking and Loading Berth Requirements

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:

- i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*

Unity Church of God in Christ and Tiny Tots Development Center have parking on site. 67 spaces are proposed, which exceeds the parking requirement for the church and the proposed child care center. The slight increase in staff and children will not noticeably increase traffic and glare. A Loading Berth is not required for the project, as the minimum 40,000 square foot size requirement under SMC 23.54.035A has not been met.

- ii. Not cause undue traffic through residential streets nor create a serious safety hazard.*

The access for the driveway is off Renton Avenue South, a minor arterial. Traffic will not have an undue impact on residential streets.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

- 1. Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic*

generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;

Tiny Tots Development Center expects to generate an increase of 6-10 vehicle trips in the AM, 4-7 at noon and 2-3 in the PM. Nine of the staff, approximately 17 people, ride public transportation to work, and eight people drive. Approximately 80 families attend Tiny Tots, 53 come in private automobiles and 27 ride public transportation.

Tiny tots will continue to operate before and after school programs for children attending public schools. The buses are met by staff for loading and unloading on the following schedule:

Van Asselt: pick-up 8:27am, drop-off 3:37pm

Rainer View: pick-up 7:57am, drop-off 3:25pm

African American Academy: pick-up 8:15am, drop-off 3:45pm

Orca School: pick-up 8:15am, drop-off 3:40pm

Graham Hill: pick-up 8:15am, drop-off 3:25pm

2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;

The parking lot is proposed to be restriped, but is generally the same configuration with no increase in parking spaces from what was permitted with the MUP permit in 1995.

3. Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;

Parking overflow is not expected to result from this project.

4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;

The sight triangles indicated on the drawings comply with section 23.54.030G and will provide adequate pedestrian visibility for vehicles exiting the driveway.

5. Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.

A small transportation information center will be required to be installed in the building to give employees and parents or guardians up to date information on available nearby transportation.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED WITH CONDITIONS** as indicated at the end of this document.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated December 31, 2003 and supplemental information in the project file. This information, along with the experience of the lead agency in similar situations, form the basis for this analysis and decision. No long-term impacts are anticipated from this proposal. Short-term impacts are discussed below.

The SEPA Overview Policy (SMC 25.05.665.D) states "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm Water, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulate during construction; potential soil erosion during grading, excavation and general site work; increased run-off; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts are adverse.

Construction noise may be adverse enough to warrant mitigation. The proximity of residential uses is such that the limitations of the Noise Ordinance would be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require occasional Sunday and evening work. If such work is planned, a request should be submitted in writing to the DPD Planner (Lauren Hirt 206-615-0736) and should be requested prior to each occurrence.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require occasional Sunday and evening work. If such work is planned, a request should be submitted in writing to the DPD Planner (Lauren Hirt 206-615-0736) and should be requested prior to each occurrence.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

Prior to MUP Issuance

1. Please revise the plans to show where a transit information center will be established on site to encourage employees and parents or guardians to use transit alternatives.
2. Proposed parking shall be dimensioned so that compliance with the Land Use Zoning Code may be verified. Alternatively, provide documentation that the proposed parking was previously approved.

Prior to Certificate of Occupancy

1. An acoustic fence design, which complies with STM-40 criteria, shall be submitted and located on the site plan around the portions of the site that will have new activity. Alternatively, demonstrate that a fence is not necessary by other measures, such as natural topography, or provide documentation that adjacent neighbors do not want the acoustic fence. Documented fencing will need to be installed prior to receiving a Certificate of Occupancy.

At the Time of Application for Construction Permit

1. Provide a letter from a geotechnical engineer to support the proposed development in the fifteen-foot buffer for the steep slope.

Signature: _____ (signature on file) Date: December 30, 2004
Lauren Hirt, Land Use Planner

LH:bg

Hirt\Decision Docs\ACU\2305538 decision.doc